

Message Text

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ACTION EB-08

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 USIA-06
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FM USMISSION OECD PARIS
TO SECSTATE WASH DC PRIORITY 6232

C O N F I D E N T I A L SECTION 01 OF 02 OECD PARIS 11752

EXCON

E.O. 11652: XGDS1
TAGS: ESTC, COCOM
SUBJ: BELGIAN PROPOSAL ON OBSOLESCENCE

REFS: A) OECD PARIS 10195, B) OECD PARIS 11315,
C) STATE 70982, D) COMRAS/TOWNSEND TELCON 4/19,
E) ROOT/TOWNSEND TELCON 4/20, F) COCOM DOCS
PROC (77) 2 AND 2.1

1. BELGIAN PROPOSAL AND JUSTIFICATION WERE SUBMITTED
APRIL 19 IN REFDPCS F. PROCEDURAL PORTION FOLLOWS LINES
REPORTED IN REF A, DATED APRIL 7, AND AS ALSO REPORTED
IN THAT TELEGRAM BELGIAN DEL WILL REQUEST POSTPONEMENT
OF ITS DISCUSSION UNTIL THE FALL.

2. THE PROPOSAL WOULD ADD TO EXISTING CRITERIA THE
FOLLOWING NEW CRITERION:

"ALL MATERIALS AND EQUIPMENT ON THE INTERNATIONAL
LIST WHICH HAVE BEEN ON THE COMMERCIAL MARKET IN ANY
MEMBER COUNTRY FOR FIVE YEARS MAY BE EXCLUDED FROM THE
SAID LIST, SAVE IN THE CASE OF UNANIMOUSLY-AGREED
EXCEPTIONS."

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ACCOMPANYING JUSTIFICATION POINTS OUT THAT EXCEPTION
REQUESTS HAVE INCREASED FROM 181 IN 1965 TO 1,798 IN
1975, WHILE VOLUME OF EXPORTS FROM WEST TO EAST
MULTIPLIED BY ONLY 3.5 TIMES. IT ARGUES FROM THESE
FACTS THAT RETENTION UNDER EMBARGO OF SOME MATERIALS AND
EQUIPMENT SHOWS MORE A LACK OF ADAPTATION OF THE LISTS

THAN ANY REAL STRATEGIC RISK. GRANTING OF EXCEPTION IS OFTEN ROUTINE DECISION. HENCE IT IS URGENT TO REFLECT PRESENT PRACTICE IN COMMITTEE'S TEXTS. OBSOLESCENCE CRITERION PROVIDES PRACTICAL KEY FOR RELEASE FROM EMBARGO. MEMBERS NOT SHARING CONCLUSIONS ON OBSOLESCENCE MAY OPPOSE RELAXATION "ON THE BASIS OF NEW CONSIDERATIONS, WHICH MUST HOWEVER BE UNANIMOUSLY AGREED. SUCH CONSIDERATIONS SHOULD PROVE INCONTROVERTIBLY THAT THE PROPOSED RELAXATION WOULD BE HIGHLY PREJUDICIAL TO THE SECURITY OF THE STATES MEMBERS AND TO THEIR ALLIES, OR WOULD REDUCE TO AN UNACCEPTABLE EXTENT THE STRATEGICALLY-SIGNIFICANT TECHNICAL ADVANTAGE HELD BY THE WEST OVER THE COUNTRIES TO WHICH THE EMBARGO APPLIES."

3. JUSTIFICATION CONCLUDES THAT PRESENT SYSTEM, ALTHOUGH NOT BASED ON TREATY, IS CONTRARY TO CONCEPT OF NATIONAL SOVEREIGNTY IN AFFORDING ANY COUNTRY "THE POSSIBILITY OF MAINTAINING, AGAINST THE WILL OF ALL THE OTHER MEMBERS, A MORAL OBLIGATION NOT TO EXPORT A GIVEN MATERIAL OR EQUIPMENT. BELGIUM BELIEVES THAT THIS MORAL OBLIGATION SHOULD ONLY EXTEND BEYOND A FIVE-YEAR PERIOD" IF ALL MEMBERS ARE CONVINCED THAT STRATEGIC CONSIDERATIONS WARRANT CONTINUED EMBARGO OF MATERIALS AND EQUIPMENT CONCERNED.

4. IN DOC PROC (77) 2.1 BELGIUM PROPOSES INCLUSION OF FOLLOWING PROVISIONS IN NEW LIST REVIEW RULES TO BE DRAWN UP ON BASIS OF UK PROPOSAL AND US COUNTERPROPOSAL:

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A. NATIONAL LISTS OF MATERIALS AND EQUIPMENT PROPOSED FOR FREEING UNDER OBSOLESCENCE CRITERION TO BE SUBMITTED NOT LATER THAN FOUR MONTHS BEFORE START OF LIST REVIEW. THEY WILL BE ACCOMPANIED BY "PROOF AND CERTIFICATION OF DATE WHEN COMMERCIALIZATION BEGAN". DELEGATIONS WISHING TO KEEP SUCH MATERIAL OR EQUIPMENT UNDER EMBARGO SHOULD SUBMIT DETAILED JUSTIFICATION TWO MONTHS BEFORE OPENING OF LIST REVIEW.

B. GROUP OF EXPERTS WILL EXAMINE NATIONAL LISTS AND COMPILE SINGLE LIST OF ALL MATERIALS AND EQUIPMENT MEETING TEST OF OBSOLESCENCE. IN EVENT OF DISAGREEMENT OR UNCERTAINTY ON WHEN COMMERCIALIZATION BEGAN, MATERIALS/EQUIPMENT MAY BE KEPT ON OBSOLESCENT LIST IF INCLUDED ON INTERNATIONAL LISTS FOR AT LEAST FOUR YEARS.

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C. COMMITTEE WILL TAKE NOTE OF LIST DRAWN UP BY
WORKING GROUP, STUDY PROPOSALS FOR RETENTION UNDER
EMBARGO AND REACH UNANIMOUS DECISION THEREON. WITH
ASSISTANCE FROM EXPERTS' GROUP IT WILL DRAFT ANY
CHANGES TO INTERNATIONAL LISTS MADE NECESSARY BY
RELAXATIONS FOR OBSOLESCENCE.

D. DRAFTING GROUP WILL DRAW UP FINAL LIST OF
MATERIALS AND EQUIPMENT EXCLUDED FROM EMBARGO FOR
REASONS OF OBSOLESCENCE. IT WILL ENTER INTO FORCE
THIRTY DAYS LATER.

4. AT APRIL 29 REGULAR MEETING BELGIAN DEL STEVENS
WILL MAKE STATEMENT OFFERING TO POSTPONE DISCUSSION
UNTIL NEXT FALL -- POSSIBLY IN SEPTEMBER -- AND ASKING
THAT MEMBERS BE REPRESENTED AT SUCH DISCUSSION BY
OFFICIALS "AT POLICY LEVEL".

5. REFERRING TO QUESTIONS PUT TO HIM BY USDEL BI-
LATERALLY PURSUANT TO REF C, STEVENS SAID THEY HAD
BEEN SUPERSEDED BY BELGIAN PROPOSAL IN ITS FINAL FORM.
USDEL REJOINED THAT THEY SEEMED TO HIM STILL QUITE
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APPOSITE AND WENT TO ROOT OF BELGIAN PROPOSAL. NEVER-

THELESS STEVENS REQUESTED THAT WE REVISE THEM AND RE-SUBMIT THEM IN LIGHT OF FINAL PROPOSAL. USDEL AGREED TO REEXAMINE THEM AND REQUEST FRESH INSTRUCTIONS.

6. ON BASIS OF FOREGOING CONVERSATION, USDEL WILL PLACE COMMENTS AND QUESTIONS IN REF C ON THE RECORD AT NEXT TUESDAY'S MEETING. HE WOULD HOWEVER MODIFY QUESTIONS A AND D AS FOLLOWS:

A. WHAT MATERIALS AND EQUIPMENT NOW UNDER EMBARGO MEET THE PROPOSED TEST OF 5-YEAR COMMERCIAL AVAILABILITY IN THE WEST.

D. THE EXTENT TO WHICH SUCH MATERIALS AND EQUIPMENT ARE IN MILITARY AS DISTINCT FROM CIVIL USE.

7. PLEASE INSTRUCT BEFORE APRIL 29 IF YOU HAVE ANY COMMENT. IN PARTICULAR WOULD APPRECIATE YOUR REACTION TO TIMING OF DISCUSSION IN SEPTEMBER.
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